

From: [Muzzey, Lynn](#)
To: [Bird, Patrick](#)
Cc: [Deabay, Elizabeth](#); [McDonnell, Ida](#)
Subject: RE: Friday's conversation
Date: Tuesday, June 23, 2015 9:42:22 AM

Thanks Pat. I saw the requirement to process the material in a prescribed manner. However, the first hurdle I think they probably have to clear is the fact that these will be "new" units. My understanding is existing units can continue to fire C&D until 2018. If at that time the amendment has not been finalized, they may choose to stop firing that fuel. However, new units would be subject to the rule requirements at startup. This means that (until/unless the amendment is finalized) they would have to submit legitimacy criteria to demonstrate that their C&D is not a solid waste in order to burn it at all. Does that sound correct?

From: Bird, Patrick [<mailto:Bird.Patrick@epa.gov>]
Sent: Tuesday, June 23, 2015 9:28 AM
To: Muzzey, Lynn
Cc: Deabay, Elizabeth; McDonnell, Ida
Subject: RE: Friday's conversation

Hi Lynn,

What has been proposed is that if C&D waste is processed in a prescribed manner (a manner described in the proposed rulemaking), EPA will categorically view the material as a non-waste. As it stands right now, the onus is on the facility that intends to combust the material to determine it meets the NHSM criteria. So a facility could "stay out of CISWI," but it would require them to essentially prove that the material meets legitimacy criteria and processing requirements in the NHSM rule.

I've cc'd Beth Deabay of my office in the email. Beth oversees the solid waste aspect of these types of questions. Beth, please correct me if I've mischaracterized the above description.

And Lynn, I am definitely interested in seeing more information on this. There are so many pieces to the proposed process that I cannot say with any certainty how applicability will play out.

Thanks,

Pat

Patrick Bird

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From: Muzzey, Lynn [<mailto:Lynn.Muzzey@maine.gov>]
Sent: Monday, June 22, 2015 9:44 AM
To: Bird, Patrick
Subject: RE: Friday's conversation

Thanks Pat. The units they are looking to install are two 40 MMBtu/hr "close coupled gasifiers." My understanding is they gasify the fuel before combusting it. They will use these units to make steam for the process and also run a small turbine. Once the application comes in and I have a better description of the process, I will forward it to you and we can discuss what rule(s) these units likely fall under.

They will also be pulling wood from the MSW and chipping it prior to firing in the gasifiers. I would consider this wood to be C&D. I believe EPA is currently considering an amendment to the NHSM rule that would classify C&D as a “categorical” non-waste fuel. However, that amendment has not been approved. Since this would be a new facility, any applicability of CISWI would take place upon startup. Am I correct in thinking that they could not fire this fuel and stay out of CISWI unless/until that amendment is approved?

From: Bird, Patrick [<mailto:Bird.Patrick@epa.gov>]

Sent: Monday, June 22, 2015 9:16 AM

To: Kennedy, Eric; Muzzey, Lynn

Subject: Friday's conversation

Hi Lynn and Eric,

I gave some thought to the proposed project in Hampden. One possibility that I didn't consider on Friday was the Other Solid Waste Incinerator (OSWI) NSPS regulation (40 CFR Subpart EEEE), which includes a subcategory called *very small municipal waste combustions unit* meaning any municipal waste combustion unit that has the capacity to combust less than 35 tons per day of municipal solid waste or refuse-derived fuel. The definition of MWC includes pyrolysis units, and I don't recall if the system you described had a pyrolysis unit associated with it. My flow diagram doesn't have one, but I was jotting things down quickly. For some reason I remember us talking about one.

Thanks,

Pat

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